

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

In re:

MIGUEL ANGEL SOSA AVILA,

**Case No. 21-50907-FJS
Chapter 13**

Debtor.

CONSENT ORDER SETTLING TRUSTEE'S MOTION TO DISMISS CASE

THIS MATTER CAME to be heard on the Motion to Dismiss Case for Failure to Make Plan Payments (the “**Motion to Dismiss**”) filed by Kelly M. Barnhart, Chapter 13 Trustee (the “**Trustee**”), on October 15, 2024, whereby the Trustee sought dismissal of the bankruptcy case of Miguel Angel Sosa Avila (the “**Debtor**”) based upon the Debtor’s failure to remit plan payments, as required by the plan filed on April 12, 2024 (the “**Plan**”), which was confirmed by this Honorable Court on May 14, 2024. Upon agreement between the Debtor and the Trustee that the matter has been settled; it is hereby,

ORDERED that the Trustee’s Motion to Dismiss is **SETTLED**; it is further,

ORDERED that the Debtor shall cure the plan payment arrearage of \$2,739.57 calculated through November of 2024 as follows:

- a. Beginning December of 2024 and continuing through July of 2025, the Debtor shall make cure payments of \$304.40 each month, then one cure payment of \$304.57 in August of 2025 (the “**Cure Payments**”). The Cure

Kelly M. Barnhart, VSB No. 65246
Chapter 13 Trustee
7021 Harbour View Blvd., Suite 101
Suffolk, VA 23435
Telephone – (757) 233-8294 and (757) 226-0287
Facsimile - (757) 333-3434
kbarnhart@kmbch13.com
/jml

Payments shall be made in addition to payments due pursuant to the Plan;

- b. The source of the Cure Payments is a gift from the Debtor's daughter;
- c. The Debtor will also remit to the Trustee any tax refunds received by the Debtor related to tax returns filed for 2024 on or before March 15, 2025, to reduce the repayment term;
- d. That the Debtor shall provide a copy of the 2023 tax returns, federal and state, to the Trustee within twenty-one (21) days from the date of entry of this Order; it is further

ORDERED that the Debtor shall make the regular monthly Plan payment for the month of December of 2024, and each month thereafter as it becomes due, and remain current on all future Plan payments; it is further,

ORDERED that the Debtor shall provide a copy of the 2024 tax returns, federal and state, to the Trustee by February 28, 2025; it is further

ORDERED that if the Debtor fails to comply with any of the terms of this Consent Order, or falls more than thirty (30) days in arrears for the remainder of the Plan term, an Order of Dismissal may be filed with and entered by this Court without further hearing; it is further,

ORDERED that upon entry of this Order, the Clerk shall forward copies to those parties named on the attached Copy List.

ENTERED: _____

Dec 3 2024

/s/ Frank J Santoro
CHIEF UNITED STATES BANKRUPTCY JUDGE

Notice of entry: December 3, 2024

I ASK FOR THIS:

/s/Kelly M. Barnhart
Kelly M. Barnhart, VSB No. 65246
Chapter 13 Trustee

AGREED:

/s/Christian D. DeGuzman
Christian D. DeGuzman, Esquire
Counsel for Debtor

LOCAL RULE 9022-1 CERTIFICATE

I hereby certify that in accordance with Local Rule 9022-1, this Order has been endorsed by all required parties.

/s/ Kelly M. Barnhart

Copy List:

Miguel Angel Sosa Avila
253 Beauregard Heights
Hampton, VA 23669

Christian D. DeGuzman, Esquire (via CM/ECF)

In re:
Miguel Angel Sosa Avila
Debtor

Case No. 21-50907-FJS
Chapter 13

District/off: 0422-6
Date Rcvd: Dec 03, 2024

User: Elizabeth
Form ID: pdford6

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol Definition

+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 05, 2024:

Recip ID	Recipient Name and Address
db	+ Miguel Angel Sosa Avila, 253 Beauregard Heights, Hampton, VA 23669-1558

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 05, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 3, 2024 at the address(es) listed below:

Name	Email Address
A. Michelle Hart	on behalf of Creditor Wilmington Savings Fund Society FSB, not in its individual capacity but solely as Owner Trustee of CIM 2021-NR4 michelle.ippoliti@mccalla.com, mccallaecf@ecf.courtdrive.com
Christian D. DeGuzman	on behalf of Debtor Miguel Angel Sosa Avila cdd147@gmail.com deguzmanlaw@gmail.com, christian@dgmnlaw.com, sarah@dgmnlaw.com; deguzman.christiand.r116544@notify.bestcase.com
Dane Exnowski	on behalf of Creditor Wilmington Savings Fund Society FSB, not in its individual capacity but solely as Owner Trustee of CIM 2021-NR4 dane.exnowski@mccalla.com, mccallaecf@ecf.courtdrive.com
Ernest Wayne Powell	on behalf of Creditor Eliza Sosa wpowell@ewplg.com
Ernest Wayne Powell	on behalf of Plaintiff Eliza Sosa wpowell@ewplg.com

District/off: 0422-6

User: Elizabeth

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Date Recd: Dec 03, 2024

Form ID: pdford6

Total Noticed: 1

Francisco J. Cardona

on behalf of Creditor U.S. Bank Trust National Association fcardona@raslg.com

Gerard R. Vetter

ustpregion04.no.ecf@usdoj.gov

Heather Diane Bock

on behalf of Creditor Wilmington Savings Fund Society FSB, not in its individual capacity but solely as Owner Trustee of CIM 2021-NR4 heather.bock@mccalla.com, mccallaecf@ecf.courtdrive.com

Jason Meyer Krumbein

on behalf of Defendant Miguel Angel Sosa Avila jkrumbein@krumbeinlaw.com a30156@yahoo.com;plutzky@krumbeinlaw.com;jkrumbein@recap.email

Keith M. Yacko

on behalf of Creditor U.S. Bank Trust National Association kyacko@mtglaw.com ecfnotifications@mtglaw.com

Kelly M. Barnhart

kbarnhart@kmbch13.com

Kelly Megan Barnhart

on behalf of Trustee R. Clinton Stackhouse Jr. barnhart@rgblawfirm.com, janice@rgblawfirm.com

Kinnera Bhoopal

on behalf of Creditor Wilmington Savings Fund Society FSB, not in its individual capacity but solely as Owner Trustee of CIM 2021-NR4 kinnera.bhoopal@mccalla.com, mccallaecf@ecf.courtdrive.com

Linda Pierre

on behalf of Creditor Wilmington Savings Fund Society FSB, not in its individual capacity but solely as Owner Trustee of CIM 2021-NR4 linda.st.pierre@mccalla.com, mccallaecf@ecf.courtdrive.com

Maria A. Tsagaris

on behalf of Creditor Wilmington Savings Fund Society FSB, not in its individual capacity but solely as Owner Trustee of CIM 2021-NR4 maria.tsagaris@mccalla.com, mccallaecf@ecf.courtdrive.com

Mary F. Balthasar Lake

on behalf of Creditor Select Portfolio Servicing Inc. Mary.Lake@bww-law.com, Bankruptcy@bww-law.com

Mary F. Balthasar Lake

on behalf of Creditor Wilmington Savings Fund Society FSB, not in its individual capacity but solely as Owner Trustee of CIM 2021-NR4 Mary.Lake@bww-law.com, Bankruptcy@bww-law.com

Mary F. Balthasar Lake

on behalf of Creditor SELECT PORTFOLIO SERVICING INC. Mary.Lake@bww-law.com, Bankruptcy@bww-law.com

Mary F. Balthasar Lake

on behalf of Creditor BANK OF AMERICA N.A. Mary.Lake@bww-law.com, Bankruptcy@bww-law.com

Phillip Raymond

on behalf of Creditor Wilmington Savings Fund Society FSB, not in its individual capacity but solely as Owner Trustee of CIM 2021-NR4 phillip.raymond@mccalla.com, mccallaecf@ecf.courtdrive.com

William M. Savage

on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper LOGSECF@logs.com

TOTAL: 21